



**STATE OF CONNECTICUT  
JUDICIAL BRANCH**

**EXTERNAL AFFAIRS DIVISION**

231 Capitol Avenue  
Hartford, Connecticut 06106  
(860) 757-2270 Fax (860) 757-2215

**Testimony of the Honorable Lynda B. Munro  
Chief Administrative Judge for Family Matters  
Judiciary and Human Services Committee Joint Public Hearing  
March 15, 2010**

**House Bill 5497, AAC the Recommendations of the Speaker of the  
House of Representatives' Task Force on Domestic Violence**

Senator McDonald, Representative Lawlor, Senator Doyle, Representative Walker and members of the Judiciary and Human Services Committees, my name is Lynda Munro and I serve as the Judicial Branch's Chief Administrative Judge for Family Matters. Thank you for the opportunity to appear before you to address several of the bills on today's agenda. One of these bills is *House Bill 5497, An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence*.

I would like to thank the Speaker and the members of the Domestic Violence Task Force for taking on this very important issue. Historically, Connecticut has been at the forefront of the response to family violence within the criminal justice system. Yet recent events have shown us that there is still much work to be done. We are seeing a growing trend toward complex and high risk cases, including those with both family violence arrests and emotionally charged divorce and custody issues. Against this backdrop, our state has recently experienced a significant number of family violence hostage situations and cases with an extreme level of violence, including fatalities. This bill will improve our state's response to the tragedy of domestic violence by addressing many of the "gaps" in the system.

**Sharing of Information:** Under our current system, the Judicial Branch's Family Services unit conducts a comprehensive intake process for each person arrested for a domestic violence crime. This process includes administering a validated risk assessment instrument to determine the level of risk, as well as identifying and assessing offender and victim needs. Through the comprehensive intake process, family relations counselors gain a great deal of information about the defendant, which could be very useful to others who are dealing with that same defendant. However, Family Service is prohibited by current law from sharing this information with them. This bill would change that.

Section 3 of the bill would expand the ability of family relations counselors to share this valuable information. It would allow pertinent information to be shared with certain categories of Judicial Branch employees: other family relations counselors and supervisors, bail commissioners supervising defendants on pretrial release in domestic violence cases, and probation officers supervising defendants who have been convicted of a family violence crime and placed on probation. It makes good sense to provide information about risk and service needs that has been gathered by family relations counselors to those who will be supervising that person. The proposal would also allow information about their clients to be shared with those who provide family violence programs and services to persons referred by the court, for the purposes of determining program and service needs. All of this sharing of information will greatly enhance the treatment and supervision of defendants in family violence cases.

The bill would also allow family relations counselors to share information that indicates that a defendant poses a danger or threat to a child with the Department of Children and Families, so that they can take steps to ensure that child's safety. It would also allow family relations counselors to disclose to a law enforcement agency information indicating that a defendant poses a danger or threat to another person, so that they can take measures to protect that person. Allowing this important information to be shared with these key system players will significantly enhance efforts to ensure victim safety.

I would respectfully request that you consider expanding the information sharing to juvenile probation officers. Sharing this information with them will allow juvenile probation officers to ensure that their clients get the services they need.

**Electronic Monitoring:** The bill would also allow a judge to order electronic monitoring of domestic violence offenders. It does so in both the civil context, when a restraining order has been entered, and in the criminal context, for family violence cases. While we recognize the value that this type of monitoring can provide, the Judicial Branch does have some concerns about it. One major concern is that implementing electronic monitoring in family violence cases will require additional resources, at a time when we all know such resources are not available. While the bill does require that the person who is subject to the monitoring pay the cost, we are concerned that many will be unable to afford it, and that the state may have to absorb the cost. In addition, there are some administrative costs involved. I have attached to my testimony, for you information, cost estimates for the various options that are available.

In addition to our cost concerns, we have some reservations about allowing electronic monitoring in restraining order cases. Restraining order cases begin when the victim comes to court to apply for the order. The person against whom the victim is seeking the order (the respondent) is not present in court at that time. The application is brought to a judge, who determines whether the order should be signed based on the sworn facts alleged in the application. It would be very difficult at this point for a judge to order that the respondent, who is not before the court and has not yet gotten notice of the application, be subject to electronic monitoring. If the order is granted, a hearing date is assigned. Even if the respondent appears at the hearing to contest continuation of the restraining order, it would still be difficult to implement electronic monitoring at this point. Family Services has not historically been part of the restraining order process and there is not sufficient staff to cover these cases, so no risk assessments are administered in these cases. Absent this critical information, it would be very difficult for a judge to determine which cases are appropriate for electronic monitoring. I would note that if a person is later arrested for violating a restraining

order, they would then be in criminal court and electronic monitoring could be imposed under section 3 of the bill.

On the criminal side, the use of electronic monitoring is more feasible. The defendant is before the court, and has been arrested for violating a law. The comprehensive intake process, including a risk assessment, will have occurred. The language of the bill limits the use of electronic monitoring on the criminal side to those who are charged with violating a restraining or protective order and who have been determined, through the intake process, to present a high level of risk.

The use of electronic monitoring for domestic violence cases is a relatively new practice and there has been limited experience with its use. Currently, only four jurisdictions are using this technology – Massachusetts, Maricopa County in Arizona, Washington State and Cook County, Illinois. While it has the potential to be of great benefit, it also raises numerous issues to be resolved. We would respectfully suggest that the Legislature consider beginning with a small pilot program. This would afford everyone involved with an opportunity to identify strengths and weaknesses and address any problems that may arise, and it could be accomplished with fewer resources.

The monitoring program that we contemplate utilizing is a pilot program that would use the commercial grade First Alert GPS system. This is not the highest grade of program available in the market place, but we believe it represents a fair balance of the importance of the service and the costs of its provision. This system contemplates the notification of a victim and police authority when a defendant has ventured into a proscribed zone. A pilot of three jurisdictions for defendants who have been determined to present the highest risk would potentially cost \$140,160 annually, and we believe there is federal grant money available to cover some of this cost. This is compared to a cost of \$1.5 million for a statewide program.

**Domestic Violence Dockets:** Finally, I would like to turn to section 12 of the bill, which would require the Judicial Branch to establish in each Geographical Area court location a separate family violence docket. We are opposed to this requirement. The Judicial Branch has consistently opposed legislation that would require the creation of special courts or dockets because, although those courts or dockets may benefit the

cases they handle, they take away from the resources available to handle all our other cases. The Chief Court Administrator needs to have maximum flexibility in order to ensure that all cases are handled as expeditiously as possible.

In addition, domestic violence dockets have not been proven to be more effective at reducing recidivism and increasing compliance with court orders. The Judicial Branch recently compared the rate at which defendants in family violence cases were rearrested within a 12 month period after completing a period of pretrial supervision. The results do not show a correlation between courts with a domestic violence docket and a low recidivism rate. One of the courts with a domestic violence docket – Bridgeport – has the lowest recidivism rate (7%), while two other courts with a domestic violence docket – New Britain and Waterbury – have the highest recidivism rate (20%).

The Judicial Branch recognizes the unique nature of domestic violence cases, and we are committed to doing all we can to prevent further acts of violence. We simply do not believe that a mandate for domestic violence dockets, which are resource-intensive and would in fact require significant additional resource, is the way to go. We believe that the best course is to use the evidence-based interventions and programs that have been proven to work, such as the Family Violence Education, EXPLORE and EVOLVE programs. For all these reasons, we would urge the Committee to delete section 12 from this bill.

In conclusion, I would once again like to thank Speaker Donovan's Domestic Violence Task Force for raising this bill. The changes that it would make have the potential to significantly improve our state's response to domestic violence. Thank you for your consideration.

